



March 12, 2004

Horst Greczmiel
Associate Director for NEPA Oversight
Council on Environmental Quality
722 Jackson Place NW
Washington, DC 20503

Re: NEPA Modernization

Dear Mr. Greczmiel:

On behalf of the Western Urban Water Coalition (WUWC), we want to thank you again for providing a briefing meeting to a number of our members at the Denver Office of Perkins Coie on January 7. The meeting was very instructive and assisted WUWC agencies in coming to a better understanding of the effort being conducted by the Council on Environmental Quality (CEQ) to achieve reform of the NEPA process. The WUWC certainly supports this initiative, and we commend CEQ for undertaking this effort.

Based upon the information we gathered at the January 7 meeting, as well as the roundtable discussion on January 8 and 9 at Copper Mountain, the WUWC would like to offer an additional recommendation for action by CEQ. In addition to our previous comments on the NEPA reform effort, the WUWC feels that it is particularly important for the CEQ review to place added emphasis on adhering to defined procedures and deadlines and ensuring that project applicants are properly incorporated into the NEPA process. While we believe there are many excellent recommendations in the report issued by CEQ following up on the public comment period, the WUWC is concerned that virtually all of that analysis, and the associated recommendations, are concerned with agency action and coordination. Very little attention is played to NEPA reforms that are necessary to ensure that environmental review occurs in the manner that addresses the needs of applicants, while at the same time ensuring full efficient and adequate review.

In particular, the WUWC believes that the CEQ recommendations should include standardized approaches for incorporating applicants into the NEPA review and establishing commitments and deadlines for these procedures. There is considerable

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variation among action agencies regarding the manner in which they address the needs of project applicants. A standardized approach is necessary to ensure that applicants have an appropriate role in the NEPA process. This role must, of course, respect the fundamental need to avoid excessive or undue applicant involvement or influence on decisionmaking. Nevertheless, CEQ should provide guidance so that action agencies are able to take full advantage of the information and other resources that could be provided by applicants to make the NEPA review process proceed efficiently. In addition, it would be very useful to develop a standardized form for a memorandum of understanding (MOU) or similar document that can be entered into between applicants, action agencies, and cooperating agencies at the outset of a NEPA review. Such a document should make it clear what the responsibilities of the various parties are, ensure that all agencies work together efficiently, and set forth deadlines for various steps within the process. Such an approach would make it possible for applicants to undertake appropriate planning and make appropriate commitment of financial and other resources. The goal of such a document (MOU) is not necessarily to expedite review. Instead, its purpose would be to add a greater level of certainty to the NEPA process so that applicants and other affected stakeholders have a better understanding of the roles they can play and the timeframes that will be involved in completing a NEPA review procedure.

The WUWC would be pleased to provide additional input and recommendations to CEQ on this issue. Thank you again for undertaking this important NEPA reform initiative. Please contact us if you have any questions.

Very truly yours,



Guy R. Martin
National Counsel
Western Urban Water Coalition